

# **THE IMMIGRATION AND NATURALIZATION SERVICE'S PRIMARY INSPECTIONS AT AIR PORTS OF ENTRY**

## **EXECUTIVE SUMMARY**

All persons who legally enter the United States must do so through a designated port of entry (POE). The Immigration and Naturalization Service's (INS) Inspections Program is charged with inspecting all travelers at POEs to ensure that they may enter the United States. Typically, inspections at air POEs consist of a primary inspection, the focus of this audit, and, when required, a secondary inspection. These inspections are critically important in protecting the nation's borders from terrorists, illegal entries, alien smugglers, and other illegal activities.

The objective of this audit was to evaluate the INS's procedures for referring persons to secondary inspection, including critical associated functions relating to analyses of advance passenger information, availability of needed law enforcement information, and inspector training.

In summary,<sup>1</sup> we found that:

- The capability of INS staff at air POEs to analyze advance passenger information to identify high-risk and inadmissible travelers and monitor the results of such targeting was limited due to the lack of adequate resources. Such information is critical in identifying travelers who should be referred for more detailed inspections.
- The INS's lookout system does not always provide primary inspectors critical information known to the INS that could enable them to identify high-risk and inadmissible travelers, such as lookouts for aggravated felons who have

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<sup>1</sup> The complete findings of our audit are contained in the 174-page report that follows this Executive Summary. Because the full report contains sensitive law enforcement information that could compromise the INS's inspection operations, only the Executive Summary of this report is being released.

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been previously refused entry into the United States or for stolen passports.<sup>2</sup> Additionally, the INS needs to significantly improve its capability to timely disseminate classified information to air POEs. Without mechanisms to ensure the timely availability of such law enforcement information, the INS increases the risk that persons known to be inadmissible will be allowed to enter the United States.

- Primary inspectors were not always querying lookout databases as required, and controls were not sufficient to ensure that all primary inspectors and supervisors could access backup information systems in the event of system outages. Additionally, the POEs' policies and inspector practices for referring travelers to secondary inspection were generally consistent with or more stringent than INS national policy, but we found that inspector referral practices were inconsistent, even within the same POE. We concluded that these policies need to be reinforced, additional training should be provided, and increased controls instituted to ensure that travelers are not allowed to enter the United States who warrant more detailed inspections.
- The INS invested over \$19 million in Fiscal Year (FY) 2002 to provide basic training to approximately 1,000 new immigration inspectors at the INS's Immigration Officer Academy. The basic training course provides a good foundation for newly hired inspectors, but we found that the training is not sufficient in two important areas – on the use of the computer systems that provide lookouts and other critical information and on terrorism awareness. This lack of adequate training increases the risk that inspectors could admit inadmissible travelers.

## **Background**

In FY 2002, the INS inspected almost 70 million air travelers at more than 220 airports designated as POEs around the United States

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<sup>2</sup> Lookouts are the principal means by which primary inspectors are informed of biographical or case data on individuals who should not be permitted to enter the United States.

and in foreign countries where travelers are inspected prior to arrival in the United States. Those inspections resulted in intercepting approximately 6,900 criminal aliens, 2,700 persons being smuggled into the United States, and more than 18,000 fraudulent travel and identification documents. In total, INS inspectors denied admission to over 208,000 travelers during inspections at air POEs in FY 2002.

In order to properly perform their duties, primary inspectors must learn and understand a vast amount of information and policies, including admission classifications, documentary requirements, and document security features. Additionally, they must effectively retrieve and analyze traveler lookouts and other information contributed by federal agencies through the Interagency Border Inspection System (IBIS).<sup>3</sup>

The goal of the primary inspection is to quickly admit legitimate travelers into the United States and also quickly identify and refer high-risk travelers and inadmissible aliens for a more detailed secondary inspection. If primary inspectors have concerns about a traveler, whether based on definite information or just an uneasiness about the traveler's demeanor, they are to refer the traveler for a secondary inspection. Primary inspections are not expected to be detailed and are expected to be accomplished within an extremely short period of time, generally well less than two minutes. During a secondary inspection, a more experienced INS inspector can perform as detailed an examination as necessary, without concerns about inconveniencing United States citizens and legitimate non-U.S. citizen travelers seeking to enter the country.

The INS Inspections Program faces many challenges, such as highly sophisticated fraud schemes, a high turnover rate for inspectors, and difficulties with automated data systems. Turnover alone meant that 26 percent of the INS inspections workforce (air, land, and sea) was hired in FY 2002. This resulted in a significant number of primary inspections being performed by relatively new and inexperienced inspectors.

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<sup>3</sup> IBIS is an interagency lookout and inspections support system that was designed to facilitate and more effectively control the entry of persons into the United States. Nine cabinet level departments, in addition to independent agencies and foreign governments, participate in IBIS. IBIS handles INS primary inspection processing and collects the results of INS secondary inspections.

## **Audit Scope**

We conducted on-site work at INS Headquarters, the Immigration Officer Training Academy at Glynco, Georgia, and three air POEs. We also surveyed seven additional air POEs.<sup>4</sup>

## **Analysis of Passenger Information Prior to Flight Arrival**

As part of a collaborative effort initiated in 1988, the INS, the U.S. Customs Service, and the airline industry developed the Advance Passenger Information System (APIS) as a border enforcement tool. In essence, airlines collect passenger and crew biographical and travel document information, such as name, date of birth, country of citizenship, and document number (e.g., passport or visa number), which is transmitted to the Customs Service via APIS. APIS then matches the information against other law enforcement databases to identify passengers or crew who should be detained or examined for possible violations of U.S. laws. The resulting information, including any possible “hits” (database matches), is transmitted to the INS and Customs Service prior to the arrival of the aircraft, allowing them to perform additional checks and research to further identify persons of interest to federal and law enforcement agencies.

INS Passenger Analysis Unit (PAU) inspectors analyze the passenger information prior to flight arrival to identify travelers who warrant closer examination upon arrival. For example, PAU inspectors frequently query INS and other data systems. If a PAU inspector finds evidence that a passenger warrants further inquiry, the inspector posts a lookout that will be available to primary inspectors. When the incoming passenger arrives at an air POE, the primary inspector will be alerted to refer the traveler for a more detailed secondary inspection or, although not as common, question the traveler more thoroughly about a particular issue to determine if a problem exists.

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<sup>4</sup> As part of our audit process, we asked INS Headquarters to furnish us with a signed management representation letter containing assurances that we were provided with all necessary documents and that there were no relevant irregularities of which we had not been made aware. As of the issuance date of this report, the INS declined to provide the letter. Therefore, our findings are qualified to the extent that we may not have been provided with all relevant information by INS management.

We found that the ten air POEs are consistently receiving passenger data prior to flight arrival. The POEs received advance passenger data via APIS for an average of 84 percent of all commercial flights for FYs 2001 and 2002. This improved to over 88 percent at the end of FY 2002. In October 2002, officials from these ten POEs reported to us that they were receiving APIS data on all incoming flights.

However, we found that, while the ten air POEs are receiving APIS data, their capability to analyze such information to identify high-risk travelers and to monitor the results of such targeting is limited by the lack of resources. Thus, primary inspectors were making admissibility determinations for some travelers without using vital information that could be critical in identifying persons who should be referred for more detailed inspections.

## **Availability of Needed Law Enforcement Information**

To determine whether adequate mechanisms existed within the INS to ensure that primary inspectors are timely receiving information needed to identify high-risk and inadmissible travelers, we focused on the timely availability of INS-created lookouts and the operational capability to timely disseminate sensitive intelligence information to air POEs.

The National Immigration Lookout System (NAILS) serves as the central repository for all INS lookout information. NAILS contains approximately 2.5 million records and receives lookout records from other INS systems, on-line input from INS personnel, and information from other federal agencies. NAILS lookouts are uploaded to the IBIS lookout database so that they are available along with lookout records from other agencies for investigative purposes and for inspections of arriving travelers by the INS and other federal inspection services, such as the Customs Service.

INS primary inspectors rely on lookouts to provide them with information on individuals who should not be permitted to enter the United States or who may be of interest to other law enforcement agencies. Thus, if INS personnel do not timely enter lookouts in NAILS, primary inspectors will not have all of the information they need to make proper admissibility determinations.

We found that the INS Inspections Program's policy pertaining to the creation of lookouts, which is contained in the INS Inspector's Field Manual, is inadequate. The policy does not mandate the circumstances for which lookouts must be created; rather, the policy provides conditions for which INS employees *may* create lookouts. In addition, the policy does not specify a time frame within which lookouts are to be created. This is in marked contrast to policy in the INS Special Agent's Manual, which clearly identifies circumstances for which lookouts in IDENT (a fingerprint system) *must* be created.

Our tests also showed that INS employees were not timely entering lookouts in NAILS. Specifically,

- Despite the INS's National Lookout Unit being cited in prior reviews for having a backlog of pending lookouts for lost and stolen passports, the unit still had a backlog in mid-October 2002 of more than 1,800 pending lookouts; this was down from an FY 2002 carryover backlog of more than 2,800. The Director of the unit attributed the backlog to a shortage of staff. Without such lookouts, aliens can enter the United States using stolen blank passports.
- Inspectors at the three sampled air POEs were not creating all needed lookouts timely. According to the INS's Assistant Commissioner for Inspections, inspectors are to create lookouts in NAILS within a maximum of 24 hours. Our initial test showed that all three POEs had cases for which lookouts had not been entered in NAILS timely; however, all three POEs improved in our follow-up test.

We also concluded that the INS needs to significantly improve its capability to timely disseminate sensitive intelligence information to air POEs. We found that the INS's capability to relay classified non-person specific information is limited because of a lack of adequate secure communications equipment and too few Inspections personnel with security clearances.

## **Referrals of Travelers to Secondary Inspections**

Since September 11, 2001, the INS has reemphasized and clarified in a series of memoranda its policies and procedures for performing lookout queries during standard inspections and also during contingency operations

in the event of computer system outages.<sup>5</sup> For example, primary inspectors at air POEs are to perform queries of arriving travelers using IBIS, the primary system for querying travelers. If IBIS becomes unavailable, inspectors must query arriving travelers using backup systems. Although these INS memoranda had yet to be incorporated into the Inspector's Field Manual as of November 2002, they clearly detailed procedures to be performed. However, our interviews with inspectors showed that a considerable number were not knowledgeable about query requirements and procedures. We concluded that POE management or local training staff need to reiterate the policies to ensure complete understanding of and compliance with requirements.

As part of its performance measurement system, the INS Office of Inspections measures the extent to which primary inspectors at air POEs are querying travelers in IBIS. Although the Office requires the regions to submit monthly reports showing the status of achieving the performance goal regarding these queries, they are not required to identify causes for falling short of the goal, whether because of IBIS unavailability or other reasons. The Assistant Commissioner for Inspections told us that he strongly believed that inspectors were performing required queries based on the feedback he was receiving from the field. Our audit tests showed, however, that POEs were not always performing required IBIS queries.

We also tested the ability of inspectors and supervisors at air POEs to access backup systems to perform primary queries in the event of IBIS outages. A considerable number of inspectors and supervisors could not demonstrate to us the ability to access backup systems. Further, 15 percent of non-supervisory inspectors at air POEs Servicewide would not have been able to query travelers in one of the backup systems because they either had not been granted system access or the system had deleted their access because they failed to update their password as required. We concluded that the INS needs to expeditiously establish a mechanism to ensure primary inspectors and supervisors are able to access backup query systems in the event of IBIS outages.

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<sup>5</sup> The data centers supporting the air POEs reported over 99 percent availability (less than 1 percent downtime) for FY 2003 through December 2002. However, even though access to IBIS through the data centers may be available, an air POE can experience downtime and, thus, be unable to access IBIS due to other reasons, such as problems with a local server.



We also found that the INS's Field Manual does not provide sufficient guidance to primary inspectors regarding lookouts. The Manual is clear with regard to admission classifications and the documentary requirements for admission. Further, it is clear in the Manual that travelers not meeting admission requirements are to be referred to secondary inspection for a more detailed examination. However, the Manual does not adequately address the various lookout scenarios that warrant referral to secondary, instructions for interpreting lookout data, or factors for the primary inspectors to consider when determining if the traveler is a lookout match. We concluded that the INS needs to revise the Manual to ensure that it adequately addresses referrals of travelers with lookout matches. The lack of clear procedures with regard to lookout referrals can result in primary inspectors admitting inadmissible travelers.

Our tests of the referral policies at the ten air POEs showed that the POEs' policies and inspector practices for referring travelers to secondary inspection were generally consistent with or more stringent than INS national policy. However, our tests also showed that inspectors inconsistently refer travelers to secondary inspection, even within the same POE.

Our tests also found that the INS inspection disposition data in IBIS for FY 2002 were inaccurate and incomplete. IBIS reflected more than 41,000 unknown inspection dispositions for travelers referred to secondary inspection in FY 2002. Of these 41,000 unknown dispositions, primary inspectors identified more than 2,800 as lookout matches. Our tests showed that the INS needs to ensure that inspectors record the correct results of secondary inspections in IBIS.

## **Training for New Inspectors**

The INS invested over \$19 million to train approximately 1,000 new immigration inspectors at its Academy in FY 2002. Yet we found that the training was not sufficient in one of the most important areas — the use of computer systems that provide lookout and other critical information on travelers seeking entry into the United States. The Academy needs to incorporate additional "hands-on" computer training in the curricula; further, trainees need to be tested on the use of computer systems as they are for other curricula areas. Additionally, the terrorism awareness training provided to new inspectors was not sufficient to make trainees aware of current terrorist tactics used to enter the United States. We found that training provided by the air

POEs for new employees varied widely, ranging from extensive to almost nonexistent among the ten POEs. We concluded that inadequate training greatly increases the risk that inspectors could admit inadmissible travelers.

## **Recommendations**

This report contains 27 recommendations for specific and immediate steps the INS should take to improve its primary inspection operations at air POEs. Our recommendations focus on the INS's need to expeditiously improve its capability to perform passenger analyses prior to flight arrival. Such analyses are critical in identifying high-risk individuals so that primary inspectors can prevent the entry of inadmissible persons into the United States. The INS also needs to strengthen its policy, controls, and mechanisms to ensure that vital lookout and sensitive intelligence information is available to primary inspectors. Additionally, the INS needs to strengthen controls over the entire primary inspection process. Controls must be adequate to ensure that primary inspectors are aware of procedural requirements, analyze the results of lookout queries, and refer appropriate travelers to secondary inspection. Controls also must be adequate to safeguard the integrity of the primary inspection referral process and ensure that INS system data will correctly reflect the inspection disposition for travelers referred to secondary inspection.

Further, the INS needs to ensure that the training provided to new inspectors is sufficient to enable them to capably use the computer systems that provide lookout and other critical information on travelers seeking entry into the United States. The fact that in FY 2002 approximately 26 percent of all inspectors at air, land, and sea POEs were newly hired only increases the need for the INS to implement an aggressive and complete inspector training program.